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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,748	08/04/2003	David S. Benco	LUTZ 2 00232	5354

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EXAMINER

LE, DANH C

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/633,748

Applicant(s)

BENCO ET AL.

Examiner

DANH C. LE

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/4/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-14 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 10 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on 8/4/03 has been considered by the examiner and made of record in the application file.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 3-9, 11, 13, 14, 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Link (US 2003/0181202).**

As to claim 1, Link teaches a method of adding a selective mid-call call forwarding feature to a service plan for a mobile station (figure 3, 10 and paragraph 0056-0059), the method including the steps:

- a) receiving a request to add the selective mid-call call forwarding feature to the service plan from a user, wherein the request is initiated by the user via the mobile station;
- b) retrieving the service plan from a subscriber database;
- c) providing a change selection menu to the user in response to the request (paragraph 0066);

d) modifying the service plan in conjunction with one or more user selections associated with the change selection menu; and

e) storing the modified service plan in the subscriber database.

As to claim 3, Link teaches the method as set forth in claim 1 wherein the change selection menu provided to the user includes a portion for selection of a first key on the mobile station to activate the selective mid-call call forwarding feature and forward an incoming call to a first telephone number (paragraph 0042).

As to claim 4, Link teaches the method as set forth in claim 3 wherein the change selection menu provided to the user includes a portion for specifying the first telephone number (paragraph 0074, 0075).

As to claim 5, Link teaches the method as set forth in claim 3 wherein the change selection menu provided to the user includes a portion for selection of a second key on the mobile station to activate the selective mid-call call forwarding feature and forward an incoming call to a second telephone number (paragraph 0074, 0075).

As to claim 6, Link teaches the method as set forth in claim 5 wherein the change selection menu provided to the user includes a portion for specifying the second telephone number (figure 9).

As to claim 7, Link teaches the method as set forth in claim 5 wherein the change selection menu provided to the user includes a portion for selection of a third key on the mobile station to activate the selective mid-call call forwarding feature and forward an incoming call to a third telephone number (figure 9).

As to claim 8, Link teaches the method as set forth in claim 7 wherein the change selection menu provided to the user includes a portion for specifying the third telephone number (figure 9).

As to claim 9, Link teaches the method as set forth in claim 7 wherein the change selection menu provided to the user includes an interactive audio portion (paragraph 0021).

As to claim 11, Link teaches a method for modifying a selective mid-call call forwarding feature in a service plan for a mobile station (figure 3, 10 and paragraph 0056, 0059) the method including the steps:

- a) receiving a request for status of the selective mid-call call forwarding feature, wherein the request is initiated by the user via the mobile station;
- b) retrieving the service plan from a subscriber database;
- c) reporting the status of the selective mid-call call forwarding feature in the service plan to the user in response to the status request;
- d) receiving a request to modify the selective mid-call call forwarding feature from the user via the mobile station;
- e) providing a change selection menu to the user in response to the modification request (paragraph 0066);
- f) modifying the selective mid-call call forwarding feature in the service plan in conjunction with one or more user selections associated with the change selection menu; and

g) storing the service plan with the modified selective mid-call call forwarding feature in the subscriber database.

As to claim 13, Link teaches the method as set forth in claim 11 wherein the change selection menu includes a portion for user selection of a key activation on the mobile station and user specification of a telephone number, where activation of the selected key prior to answering an incoming call causes the incoming call to be forwarded to the specified telephone number (paragraph 0021).

As to claim 14, Link teaches method as set forth in claim 13 wherein the change selection menu provided to the user includes an interactive audio portion (paragraph 0021).

As to claim 16, Link teaches method for processing an incoming call to a first mobile station associated with a subscriber to a wireless service provider (figure 3 and 10, paragraph 0056, 0059), the method including the steps:

- a) receiving the incoming call;
- b) ringing the first mobile station;
- c) receiving a mid-call call forwarding activation from the first mobile station;
- d) retrieving a telephone number associated with the mid-call call forwarding activation from a service plan associated with the subscriber; and
- e) forwarding the incoming call to a telephone device associated with the retrieved telephone number.

As to claim 17, Link teaches the method as set forth in claim 16 wherein the mid-call call forwarding activation is a control signal resulting from a user at the first mobile station pressing at least one key on the first mobile station (paragraph 0021).

As to claim 18, Link teaches the method as set forth in claim 16 wherein the telephone number in step d) is retrieved from a subscriber database (352).

As to claim 19, Link teaches the method as set forth in claim 16 wherein the telephone device in step e) is a second mobile station (paragraph 0040).

As to claim 20, Link teaches the method as set forth in claim 16 wherein the telephone device in step e) is a landline telephone device (paragraph 0035).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**3. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Link (2003/0118202) in view of Fish (US 2004/0248591).**

As to claim 2, Link teaches the method as set forth in claim 1 which adding the selective mid-call call forwarding feature to the service plan, Link fails to teach further including: verifying the user has authority associated with the subscriber. Fish teaches verifying the user has authority associated with the subscriber (paragraph 0092). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Fish into the system of Link in order to allowed the user only creating or modifying the notification setting as indicated.

As to claim 12, the claim is the same limitation of claim 2; therefore, the claim is interpreted and rejected as set forth as claim 2.

***Allowable Subject Matter***

Claims 10, 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 10 and 15, the combination of Link and Fish either alone or in combination fails to teach the change selection menu provided to the user includes an interactive graphical display portion.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



A. Mailik et al (US 2004/0096047) teaches system and method for performing a task with telephone line setting on a switch through a telephone call.

B. Bonesfast et al (US 2002/0052968) teaches messaging method and apparatus for routing messages in a client server environment over multiple wireless and wireline network.

C. Pelletier et al (US 2002/0126827) teaches system and method for providing telephone service to remote subscribers.

D. Chen et al (US 2003/0054810) teaches enterprise mobile service platform.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

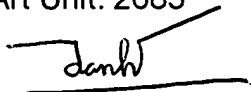
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "danh", is written over a horizontal line.

July 27, 2005.

DANH CONG LE  
PATENT EXAMINER